

***Effective 5/12/2015***

***Superseded 5/10/2016***

**63M-4-602 Definitions.**

As used in this part:

- (1) "Applicant" means a person that conducts business in the state and that applies for a tax credit under this part.
- (2) "Fuel standard compliance project" means a project designed to retrofit a fuel refinery in order to make the refinery capable of producing fuel that complies with the United States Environmental Protection Agency's Tier 3 gasoline sulfur standard described in 40 C.F.R. Sec. 79.54.
- (3) "High cost infrastructure project" means:
  - (a)
    - (i) a project that expands or creates new industrial, mining, manufacturing, or agriculture activity in the state, not including a retail business; or
    - (ii) new investment of at least \$50,000,000 in an existing industrial, mining, manufacturing, or agriculture entity, by the entity;
  - (b) that requires or is directly facilitated by infrastructure construction; and
  - (c) for which the cost of infrastructure construction to the entity creating the project is greater than:
    - (i) 10% of the total cost of the project; or
    - (ii) \$10,000,000.
- (4) "Infrastructure" means:
  - (a) an energy delivery project as defined in Section 63H-2-102;
  - (b) a railroad as defined in Section 54-2-1;
  - (c) a fuel standard compliance project;
  - (d) a road improvement project;
  - (e) a water self-supply project;
  - (f) a water removal system project; or
  - (g) a project that is designed to:
    - (i) increase the capacity for water delivery to a water user in the state; or
    - (ii) increase the capability of an existing water delivery system or related facility to deliver water to a water user in the state.
- (5)
  - (a) "Infrastructure cost-burdened entity" means an applicant that enters into an agreement with the office that qualifies the applicant to receive a tax credit as provided in this part.
  - (b) "Infrastructure cost-burdened entity" includes a pass-through entity taxpayer, as defined in Section 59-10-1402, of a person described in Subsection (5)(a).
- (6) "Infrastructure-related revenue" means an amount of tax revenue, for an entity creating a high cost infrastructure project, in a taxable year, that is directly attributable to a high cost infrastructure project, under:
  - (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;
  - (b) Title 59, Chapter 10, Individual Income Tax Act; and
  - (c) Title 59, Chapter 12, Sales and Use Tax Act.
- (7) "Office" means the Office of Energy Development created in Section 63M-4-401.
- (8) "Tax credit" means a tax credit under Section 59-7-619 or 59-10-1034.
- (9) "Tax credit certificate" means a certificate issued by the office to an infrastructure cost-burdened entity that:
  - (a) lists the name of the infrastructure cost-burdened entity;

- (b) lists the infrastructure cost-burdened entity's taxpayer identification number;
- (c) lists, for a taxable year, the amount of the tax credit authorized for the infrastructure cost-burdened entity under this part; and
- (d) includes other information as determined by the office.